



September 30, 2016

**VIA ELECTRONIC FILING**

Mr. Brian Regan  
Associate Bureau Chief  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *Proposal of CTIA for Certification as a SAS Administrator and ESC Operator; Request for Supplemental Information dated September 2, 2016, GN Docket No. 15-319*

Dear Mr. Regan,

On September 26, 2016, CTIA amended its "Proposal to be Designated as a Spectrum Access System Administrator ('SAS') and an Environmental Sensing Capability ('ESC') Operator," pursuant to a request from the Wireless Telecommunications Bureau and the Office of Engineering and Technology.<sup>1</sup> CTIA takes this opportunity to note that it has no objection to the FCC sharing the September 26 amendment with other federal agencies, subject to confidential treatment as applied by Section 0.442 of the Commission's Rules.<sup>2</sup>

As part of the September 26 amendment filing, CTIA requested that the Commission withhold from public disclosure certain confidential information therein, pursuant to Section 0.459 of the Commission's Rules.<sup>3</sup> Section 0.442 of the Commission's Rules provides a framework for the Commission to disclose information submitted in confidence to other federal agencies, subject to

---

<sup>1</sup> See Letter to Brian Regan, FCC, from Paul Anuszkiewicz, CTIA, GN Docket No. 15-319 (filed Sept. 27, 2016) ("September 26 amendment").

<sup>2</sup> 47 C.F.R. § 0.442.

<sup>3</sup> 47 C.F.R. § 0.459(a)(1).



certain protections including 44 U.S.C. § 3510(b).<sup>4</sup> Section 3510(b) imposes penalties for unlawful disclosure of information by agency personnel that receive information from another federal agency. It assures that “data immune from public disclosure in the hands of a federal agency acquiring data retains that protection in the hands of a receiving agency after an inter-agency transfer.”<sup>5</sup> As such, CTIA does not object to the FCC sharing the confidential version of the September 26 amendment with other federal agencies, provided that the confidential information is withheld from public disclosure by any such agency.

Please do not hesitate to contact the undersigned with any questions.

Respectfully submitted,

/s/ Scott K. Bergmann

Scott K. Bergmann  
Vice President, Regulatory Affairs

cc: Paul Powell  
Becky Schwartz  
Ira Keltz

---

<sup>4</sup> 47 C.F.R. § 0.442(b)(3).

<sup>5</sup> *Shell Oil Co. v. Dep't of Energy*, 477 F. Supp. 413, 420 (D. Del. 1979) (citing 44 U.S.C. § 3508(a)). Prior to the *Paperwork Reduction Act of 1980*, the language of the current § 3510 (b) was found within § 3508 (a) of the Code. See P.L. 96-511, 94 Stat. 2822. Although § 3510 was subsequently revised by the *Paperwork Reduction Act of 1995*, the substance of this section remains unchanged. See 104 P.L. 13, 109 Stat. 163.